

September 10, 2008



U.S. BANKRUPTCY COURT WESTERN DISTRICT OF NY CM/ECF NEWS

CM/ECF VERSION 3.2 TO BE IMPLEMENTED OCTOBER 1, 2008

(CM/ECF will be unavailable on Tuesday, September 30, 2008 from 5:00 pm through Wednesday, October 1, 2008 at 10:00 am)

TRANSCRIPTS

CM/ECF release 3.2 includes functionality to facilitate implementation of the Judicial Conference policy regarding electronic availability of transcripts of court proceedings, and the procedure for requesting redaction of transcripts. That policy requires that a transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days. During the 90-day period, the transcript will not be available for viewing through PACER and/or CM/ECF. A copy of the transcript may be obtained from the court reporter or transcriber at a rate established by the Judicial Conference.

Pursuant to Fed. R. Bankr. P. Rule 9037(a), which became effective December 1, 2007, certain personal identifiers are to be limited in any electronic or paper filing made with the court as follows:

- 1) the last four digits of the social-security number and taxpayer-identification number;
- 2) the year of the individual's birth;
- 3) a minor child's initials; and
- 4) The last four digits of a financial-account number.

The best way to comply with the provisions of Rule 9037 is to avoid eliciting such private information during testimony, unless absolutely necessary. By doing so, it avoids the necessity of having to review the transcript and request redaction. Should such information be elicited, the attorneys and *pro se* parties who attended the hearing are solely responsible for redaction of the information described in Rule 9037.

When a transcript is filed, CM/ECF automatically sets a 90-day restricted access period, as prescribed by the Judicial Conference policy. A Notice of Transcript Filed is sent to all parties to the hearing, indicating that the transcript has been filed, and including deadlines set for the redaction process. All deadlines are set from the date of the filing of the transcript. The redaction process is:

1. A party must file with the clerk and serve a copy on the court reporter or transcriber a ***Notice of Intent to Request Redaction*** within 7 calendar days of the filing of the transcript.
2. A party must file a ***Request for Redaction*** within 21 calendar days of the filing of the transcript. The Request for Redaction must also be served upon the court reporter or transcriber. To identify parts to be redacted, the party must attach a list of information to be redacted with the request. The information must be identified by type of identifier (*e.g.* social security number, birth date, *etc.*) and page and line number where the information appears in the transcript. Please note that this document is not restricted. Therefore, do not re-state the personal identifiers to be redacted.
3. If a Request for Redaction is filed, the court reporter or transcriber has 31 calendar days to file the redacted transcript.

After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for downloading from the court's CM/ECF system through the judiciary's PACER system. If a redacted transcript has been filed, the restriction will be lifted for the redacted transcript only; access to the original transcript will remain restricted. Additionally, if the original hearing was voice-recorded, and a redacted transcript is filed, access to the voice recording as well as the original transcript will be restricted.

An attorney who purchases a copy of the transcript during the 90-day period will be given access to the transcript via CM/ECF. Please note that you must be logged in to CM/ECF; you will not be able to access the transcript through PACER.

The free copy and 30-page limit on PACER fees do not apply to transcripts.

Fee Increase for Split Cases

Also effective October 1, 2008, is the increase in the fee for a Split Case. The \$39.00 Administrative Fee is now being charged with each fee and all split case fees are now equal to their respective case filing fees:

Chapter	Current Fee	Fee Effective 10/1/08
Chapter 7 Split	\$260.00	\$299.00
Chapter 12 Split	\$200.00	\$239.00
Chapter 13 Split	\$235.00	\$274.00
Chapter 15 Split	\$1000.00	\$1039.00

Updated Census Bureau Data

The Census Bureau's Median Family Income Data accessible through the Means Testing Information page has been updated. The U.S. Trustee Program will apply the updated data to cases filed on or after October 1, 2008.

SEE THE CHANGES BEFORE OCTOBER 1, 2008!!

CM/ECF Version 3.2 is now available in the Court's training database. All users are strongly encouraged to visit the training database to test the new features. The training database may be found at <https://ecf-train.nywb.uscourts.gov/>. Please use the login assigned to you at the CM/ECF training class. If you have lost your login/ password, or have any questions about this new version, please contact Jane Murphy at (585) 613-4221. Additional information on CM/ECF Version 3.2 may be found at <http://www.nywb.uscourts.gov/cmecf.php>

**** CM/ECF has been tested and works correctly with Firefox 2.0, Internet Explorer 6.0 and 7.0. No other browsers are supported.****

Please be sure to check with your Bankruptcy Preparation Software vendor for the 3.2 updates.